IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

Puerto Rico Soccer league NFP Corp., Joseph Marc Serralta Ives, Maria Larracuente, Jose R. Olmo-Rodriguez, and Futbol Boricua (FBNET), Inc., *Plaintiffs*, v. Federación Puertorriqueña de Futbol, Inc., Iván Rivera-Gutierrez, José "Cukito" Martinez, Gabriel Ortiz, Luis Mozo Cañete, Fédération Internationale de Football Association (FIFA), and Confederation of North, Central America and Caribbean Association Football (CONCACAF, *Defendants*.	CIVIL ACTION NO. 23-1203 (RAM)

PLAINTIFFS' RESPONSE IN OPPOSITION TO DEFENDANTS' JOINT MOTION FOR PROTECTIVE ORDER LIMITING THE SCOPE OF DISCOVERY

TO THE HONORABLE COURT:

COME NOW Plaintiffs Puerto Rico Soccer League NFP Corp. ("PRSL"), Joseph Marc Serralta Ives, María Larracuente, José R. Olmo-Rodríguez, and Fútbol Boricua (FBNET), Inc. (collectively, "Plaintiffs"), by and through their undersigned counsel, and respectfully submit this Response in Opposition to Defendants' Joint Motion for Protective Order Limiting the Scope of Discovery (Docket No. 168) ("Motion"). For the reasons set forth below, Plaintiffs urge this Court to **DENY** the Motion in its entirety.

I. INTRODUCTION

Defendants' Motion seeks to unduly restrict Plaintiffs' discovery into their sole surviving claim under Section 1 of the Sherman Antitrust Act, 15 U.S.C. § 1, by mischaracterizing the scope of that claim and the relevance of Plaintiffs' discovery requests. Defendants assert that Plaintiffs' discovery efforts are a "fishing expedition" aimed at relitigating dismissed RICO and Commonwealth law claims and that the surviving antitrust claim is limited to PRSL alone. Both assertions are incorrect. Plaintiffs' discovery requests are narrowly tailored to uncover evidence of Defendants' conspiracy to monopolize Superior League soccer in Puerto Rico—a conspiracy that harmed all Plaintiffs, not just PRSL. Moreover, this Court's prior Orders do not limit the Sherman Act claim to PRSL, as Defendants contend. The First Circuit has consistently emphasized the broad scope of discovery under Federal Rule of Civil Procedure 26, and Defendants' attempt to curtail it here contravenes that precedent and the interests of justice.

II. LEGAL STANDARD

Federal Rule of Civil Procedure 26(b)(1) permits discovery "regarding any nonprivileged matter that is relevant to any party's claim or defense and proportional to the needs of the case." The First Circuit has underscored that this rule "casts a wide net," allowing parties to pursue discovery that "bears on, or that reasonably could lead to other matter that could bear on, any issue that is or may be in the case." *Oppenheimer Fund, Inc. v. Sanders*, 437 U.S. 340, 351 (1978); *see also In re New England Compounding Pharmacy, Inc. Prods. Liab. Litig.*, 752 F.3d 49, 54 (1st Cir. 2014) (noting Rule 26's "broad sweep"). Relevance is construed "generously," and discovery should not be limited unless it is clear that the information sought has "no possible bearing" on the claims or defenses. *Healey v. Gonzalez*, 747 F.3d 111, 121 (1st Cir. 2014).

A protective order under Rule 26(c) is an extraordinary remedy, requiring the moving party to demonstrate "good cause" through a "particular and specific demonstration of fact, as

distinguished from stereotyped and conclusory statements." *In re Subpoena to Witzel*, 531 F.3d 113, 117 (1st Cir. 2008) (internal quotation omitted). Defendants bear the burden of showing that Plaintiffs' discovery requests are irrelevant, disproportionate, or unduly burdensome—a burden they fail to meet here.

III. ARGUMENT

A. Plaintiffs' Discovery Requests Are Relevant to the Sherman Act Conspiracy to Monopolize Superior League Soccer

Defendants argue that Plaintiffs' discovery requests improperly target dismissed RICO and Commonwealth law claims. This is a mischaracterization. The discovery sought is strictly aimed at proving Defendants' conspiracy under Section 1 of the Sherman Act to monopolize Superior League soccer in Puerto Rico—a claim this Court has upheld as to all Defendants. *See* Docket No. 129 (FPF Defendants); Docket No. 130 (CONCACAF); Docket No. 170 (FIFA, amended nunc pro tunc, Mar. 7, 2025).

The Sherman Act claim centers on Defendants' concerted actions to exclude Plaintiffs from the market for league tournaments in Puerto Rico, including through FIFA's tournament-sanctioning policies enforced by FPF and CONCACAF's acquiescence. *See* Third Amended Complaint ("TAC"), Docket No. 33, ¶¶ 9-10, 44. To prevail, Plaintiffs must show: (1) a contract, combination, or conspiracy; (2) that unreasonably restrains trade; and (3) affects interstate or foreign commerce. *See Podiatrist Ass'n, Inc. v. La Cruz Azul de P.R., Inc.*, 332 F.3d 6, 11 (1st Cir. 2003). Evidence of Defendants' communications, policies, and actions—many of which Defendants label as relating to "dismissed claims"—is directly relevant to establishing this conspiracy.

For example, Defendants object to requests concerning María Larracuente and José R. Olmo-Rodríguez (e.g., Ex. A, RFP Nos. 31-37), claiming these relate only to dismissed RICO claims. Motion at 9-10. Not so. Larracuente's exclusion from FPF leadership and Olmo's alleged

fraudulent misrepresentation by FPF are probative of Defendants' broader scheme to suppress competition. Larracuente's blocked candidacy (TAC ¶¶ 36-37) and Olmo's mistreatment (TAC ¶¶ 91-92) reflect FPF's efforts—under FIFA's oversight and CONCACAF's coordination—to eliminate rival voices and consolidate control over soccer governance, directly impacting PRSL's ability to operate. Similarly, requests about Fútbol Boricua (FBNET) (e.g., Ex. A, RFP Nos. 33, 37) target Defendants' exclusionary conduct toward affiliated entities, not merely tort claims. These actions are "inextricably intertwined" with the antitrust conspiracy, making them discoverable. *See In re New England Compounding Pharmacy*, 752 F.3d at 54 (allowing discovery into related conduct).

Defendants' reliance on *Milazzo v. Sentry Ins.*, 856 F.2d 321, 322 (1st Cir. 1988), is misplaced. There, the First Circuit rejected a "fishing expedition" lacking any factual basis. Here, Plaintiffs have alleged specific acts—FIFA's sanctioning rules, FPF's enforcement, and CONCACAF's complicity—supported by this Court's findings of personal jurisdiction over FIFA based on its Puerto Rico contacts. *See* Docket No. 170 at 13-20. Unlike *Milazzo*, Plaintiffs' requests are grounded in the TAC and seek evidence to substantiate a plausible claim, not to resurrect dismissed ones.

Moreover, the First Circuit has cautioned against prematurely narrowing discovery where, as here, the full scope of a conspiracy remains unclear. *See DM Research, Inc. v. Coll. of Am. Pathologists*, 170 F.3d 53, 56 (1st Cir. 1999) (noting antitrust claims often require "exploration of the conspirators' minds and actions"). Defendants' communications with individual Plaintiffs, their affiliates, and third parties (e.g., referees, clubs like Pumas de Roosevelt F.C.) are critical to uncovering the conspiracy's breadth—precisely the type of discovery Rule 26 permits.

B. The Court's Orders Do Not Limit the Sherman Act Claim to PRSL

Defendants assert that the Sherman Act claim is limited to PRSL, citing Docket No. 129 at 9. Motion at 5. This misreads the Court's rulings. The Opinion and Order at Docket No. 129 dismissed RICO and Commonwealth claims but sustained the antitrust claim without restricting it to PRSL alone. The Court noted PRSL's exclusion as the "center" of the claim (Docket No. 129 at 9), but nowhere stated that other Plaintiffs—Serralta Ives, Larracuente, Olmo-Rodríguez, and FBNET—lack standing or cannot pursue antitrust relief. Likewise, the amended FIFA Order (Docket No. 170) denies dismissal of the Sherman Act claim in toto, recognizing FIFA's role in the alleged conspiracy without limiting it to PRSL. *See* Docket No. 170 at 25.

Section 1 of the Sherman Act protects all parties injured by an antitrust conspiracy, not just the primary target. *See Blue Shield of Va. v. McCready*, 457 U.S. 465, 478-79 (1982) (antitrust standing extends to those whose injuries are "inextricably intertwined" with the violation). Here, the TAC alleges harm to all Plaintiffs: PRSL's exclusion from the market (TAC ¶¶ 19-20), Larracuente's lost opportunities due to FPF's actions (TAC ¶¶ 36-37), Olmo's economic injuries (TAC ¶¶ 91-92), and FBNET's thwarted operations (TAC ¶¶ 149-153). Defendants' conspiracy allegedly suppressed competition island-wide, affecting each Plaintiff's ability to participate in Superior League soccer. The First Circuit has upheld broad discovery in such cases to assess the full extent of harm. *See Sullivan v. Taglianetti*, 588 F.2d 1355, 1357 (1st Cir. 1978) (permitting discovery into related injuries).

Defendants' proposed limitation would artificially truncate the claim, ignoring the interdependent roles of all Plaintiffs in the soccer ecosystem. This Court should reject that reading and allow discovery reflecting the claim's full scope.

C. Limiting Witnesses to 15 Is Premature and Unwarranted

Defendants seek to cap Plaintiffs' trial witnesses at 15, claiming 68 is disproportionate. Motion at 11-13. This request is premature and lacks good cause. The First Circuit has warned against "arbitrary numerical limits" on witnesses absent a showing of oppression or undue burden. *See Gill v. Gulfstream Park Racing Ass'n, Inc.*, 399 F.3d 391, 401 (1st Cir. 2005). Defendants offer no specific evidence—only conclusory assertions—that 68 witnesses would be unmanageable. *See In re Subpoena to Witzel*, 531 F.3d at 117.

At this stage, Plaintiffs have identified 68 potential trial witnesses (Docket No. 147) but propose only 10 depositions (Ex. E), demonstrating restraint. Plaintiff PRSL was about to operate its Liga Pro, in October 2019, when the Defendants blocked the League, and naturally, its seven (7) teams, from competing in said competition. Each of the seven (7) clubs has a manager that has knowledge of the Defendants' monopolistic practices. Similarly, the seven (7) clubs, based in five (5) municipalities, leads to five (5) Mayors and other governmental officials as witnesses of Plaintiffs' plans within each municipality, and how Defendants' conduct in September-October 2019, prevented PRSL's plans of building soccer stadiums within said municipalities, resulting in damages. The final trial list depends on discovery outcomes, which Defendants seek to stifle. Limiting witnesses now risks excluding key testimony—e.g., from referees, club officials, or FIFA representatives—essential to proving the conspiracy. *See DM Research*, 170 F.3d at 56 (antitrust cases often require extensive evidence). Defendants' reliance on *Whittingham v. Amherst Coll.*, 163 F.R.D. 170 (D. Mass. 1995), is inapt; that case involved a post-discovery ruling, not a preemptive cap.

IV. CONCLUSION

Plaintiffs' discovery requests are relevant to the Sherman Act conspiracy to monopolize Superior League soccer and encompass all Plaintiffs, not just PRSL. Defendants fail to show good cause

for a protective order under Rule 26(c). Accordingly, Plaintiffs respectfully request that this Court **DENY** Defendants' Motion (Docket No. 168) and permit discovery to proceed as outlined.

DATED this 10th day of March, 2025.

Respectfully submitted,

/s/ José R. Olmo-Rodríguez
José R. Olmo-Rodríguez
USDC PR 213405
261 Ave. Domenech, SJ PR 00918
787.758.3570/jrolmo1@gmail.com

/s/ Ibrahim Reyes
Ibrahim Reyes Gándara
Florida Bar No. 581798
REYES LAWYERS, P.A.
236 Valencia Avenue
Coral Gables, FL 33134
Tel. 305-445-0011
Fax. 305-445-1181
Email: ireyes@reyeslawyers.com
Admitted *pro hac vice*

Counsel for the Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I electronically filed this document with the Clerk of Court using CM/ECF/PACER, which will send a notice of such filing to all attorneys of record in this case.

/s/ Jose R. Olmo-Rodríguez
José R. Olmo-Rodríguez, Esquire

/s/ Ibrahim Reyes
Ibrahim Reyes, Esquire